

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE SUBPOENAS TO BROADCOM
CORP. AND BROADCOM INC. IN THE
MATTER OF:

CALIFORNIA INSTITUTE OF
TECHNOLOGY,

Plaintiff,

v.

SAMSUNG ELECTRONICS AMERICA,
INC., et al.,

Defendants.

Case No. 22-mc-80318-VKD

**ORDER GRANTING MOTIONS TO
SEAL**

Re: Dkt. Nos. 16, 18

Broadcom Corp. and Broadcom Inc. (collectively, “Broadcom”) move to seal certain portions of Broadcom’s opposition to the motion to compel subpoena compliance filed by California Institute of Technology (“Caltech”). Dkt. No. 16. Caltech moves to seal a portion of its reply papers that quote or describe information in Broadcom’s opposition papers that Broadcom seeks to seal. The information in question contains claimed confidential business and other information designated “Confidential—Attorneys’ Eyes Only” or “Highly Confidential—Attorneys’ Eyes Only” or ordered sealed in an action in the Central District of California, *California Institute of Technology v. Broadcom, Ltd. et al.*, No. 2:16-cv-03714 (C.D. Cal.). Broadcom has submitted declarations to support the sealing of the subject information. Dkt. Nos. 16-1, 23.

There is a strong presumption in favor of access by the public to judicial records and documents accompanying dispositive motions that can be overcome only by a showing of “compelling reasons supported by specific factual findings.” *Kamakana v. City & Cnty. of*

Honolulu, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (internal quotation marks and citation omitted). However, the presumption does not apply equally to a motion addressing matters that are only “tangentially related to the merits of a case,” *Ctr. for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1101 (9th Cir.), *cert. denied sub nom FCA U.S. LLC v. Ctr. for Auto Safety*, 137 S. Ct. 38 (2016). A party seeking to seal documents or information in connection with such a motion must meet the lower “good cause” standard of Fed. R. Civ. P. 26(c). *Id.* at 1098-99; *Kamakana*, 447 F.3d at 1179-80.

With respect to the subject motion, the Court applies the “good cause” standard of Rule 26(c). Good cause appearing, the Court grants the motions to seal that material as follows:

Document	Portions To Be Sealed
Broadcom’s Opposition to Motion to Compel	Page 3, lines 19-22 Page 4, lines 12-13, 14-15-21, 24-26 Page 5, lines 1-10, 12-15, 17-19, 22, 24-26 Page 6, lines 1, 13-15 Page 11, lines 19, 21-23, 25-27 Page 15, lines 4, 5-10, 15
Declaration of James M. Dowd in support of Broadcom’s Opposition	Page 1, line 21 Page 2, lines 20, 23 Page 3, lines 2, 5, 8
Dowd Exhibit 1	In its entirety
Dowd Exhibit 2	In its entirety
Dowd Exhibit 4	In its entirety
Dowd Exhibit 5	In its entirety
Dowd Exhibit 6	In its entirety
Dowd Exhibit 7	Page 2, lines 2, 6-8, 11-13, 27-28 Page 6, line 2
Dowd Exhibit 8	Page 1, line 16 Page 10, lines 1, 5, 17, 18 Page 86, lines 20, 22, 24 Page 205, lines 4, 11, 13, 16, 17 Page 210, lines 17-18 Page 215, lines 23-25 Page 216, lines 1-2, 6-8, 11-12, 16-24 Page 264, lines 1-2, 4, 9, 11, 13-16, 23-25 Page 265, lines 2, 4-5, 10-12, 15-16, 19-21, 23-24 Page 266, lines 6-9, 14, 15, 19, 20-21, 22
Dowd Exhibit 9	Page 1, line 16 Page 10, lines 3, 11 Page 263, lines 4, 6, 14, 23

Document	Portions To Be Sealed
Dowd Exhibit 11	In its entirety
Dowd Exhibit 12	Page 1, line 15 Page 23, lines 1-2, 4, 6, 8-9, 14-15, 21-23, 25 Page 24, lines 1-2 Page 74, lines 3-5, 8-10, 19-20, 25 Page 75, lines 1, 11-12, 14-18, 20, 23-24
Dowd Exhibit 13	In its entirety
Dowd Exhibit 14	In its entirety
Caltech's reply	Page 4, Lines 20, 24, 25 Page 5, Lines 6-7, 10

IT IS SO ORDERED.

Dated: January 13, 2023

Virginia K. DeMarchi
VIRGINIA K. DEMARCHI
United States Magistrate Judge